



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,155	08/26/2003	Robert Gazda	I-2-0353.2US	3682
24374	7590	09/12/2006	EXAMINER SEYE, ABDOU K	
VOLPE AND KOENIG, P.C. DEPT. ICC UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			ART UNIT 2194	PAPER NUMBER

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/648,155

Applicant(s)

GAZDA ET AL.

Examiner

Abdou Karim Seye

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --'

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/22/05, 04/30/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the initial office action based on the application filed on August 26, 2003.

Claims 1-5 are currently pending and have been considered below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by **Wilkinson et al. (20020091800)**.

Claim 1: Wilkinson discloses an operating system abstraction layer comprising:

- a. An interface with an operating environment, the operating environment operating independent of underlying operating systems (fig.1/8, paragraph 61);
- b. An operating system independent module for performing operations that are not related to a target operating system (fig.1, paragraph 61); and
- c. An operating system dependent module for performing operations that are related to the target operating system (fig.1, paragraph 61); and
- d. An interface with the target operating system (fig.1/16, paragraph 60).

Claim 2: Wilkinson discloses a method for abstracting an operating environment to a plurality of operating systems, the method comprising:

- a. Providing an operating environment, the operating environment common to all the different operating systems (fig. 1, paragraph 61); and
- b. Providing a plurality of operating system abstraction layers, each abstraction layer designed to abstract the operating environment to at least one targeted operating system (fig.1/16, paragraph 60).

Claim 3: Wilkinson discloses a method for abstracting an operating environment to a plurality of operating systems as in claim 2 above and further discloses that each abstraction layer has a same operating system dependent module and a different operating system independent module (abstract; fig. 1).

Claim 4: Wilkinson discloses a wireless communication device comprising:

- a. At least one system processor and at least one communication processor (fig. 1, paragraph 64);
- b. A communication module to facilitate communication between each system and communication processor (fig. 1/34, paragraph 63);
- c. A shared memory associated with the communication module (fig. 1/24, paragraph 61); and
- d. Each system processor and communication processor having an associated operating system (abstract; fig. 1/16).

Claim 5: Wilkinson discloses a wireless communication device as in claim 4 above and further discloses that the wireless communication device is a wireless transmit/receive unit (fig. 1 paragraph 64).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kouznetsov et al (20040025042) discloses a method and a system for scanning a mobile wireless device for malware.

Rabenko et al (20020006137) discloses a method and a system for supporting multiple voice channels.

Warren et al (20040054821) discloses a user-configurable multifunctional network interface node capable of communicating with and controlling a plurality of system devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. Abdou Seye whose telephone number is (571) 270-1062. The examiner can normally be reached Monday through Friday from 7:30 a.m. to 5:00 p.m.

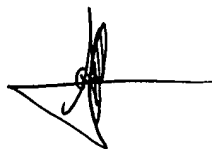
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James W. Myhre whose telephone number is (571) 272-6722. The fax phone number for Formal or Official faxes to Technology Center 3600 is (571) 273-8300. Draft or Informal faxes, which will not be

Art Unit: 2194

entered in the application, may be submitted directly to the examiner at (571) 273-6722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-3600.

AKS
August 30, 2006

A handwritten signature consisting of a stylized 'A' followed by a series of loops and a horizontal line extending to the right.A handwritten signature in cursive script, appearing to read 'James W. Myhre'.

James W. Myhre
Supervisory Patent Examiner